

DECLARATION OF MOVANT
DENIAL OF DUE PROCESS AND DEPRIVATION OF RIGHTS
CLEARLY DEFINED

TITLE 18 U.S.C. § 241
CONSPIRACY AGAINST RIGHTS

<http://www.usdoj.gov/crt/crim/241fin.htm>

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; ... They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

TITLE 18 U.S.C. § 242
DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

<http://www.usdoj.gov/crt/crim/242fin.htm>

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Definition of what constitutes the United States

Title 8 U.S.C. § 1227 of the Immigration and Nationality Act is referenced in The Trading with the Enemy Act of 1917 in section 1982 of the Appendix. The Following Websites define what constitutes the United States: <http://famguardian.org/TaxFreedom/CitesByTopic/UnitedStates-Wordstudy.pdf>.

First Definition

TITLE 48 , CHAPTER 4 , SUBCHAPTER IV , Sec. 874. (TITLE 48—TERRITORIES AND INSULAR POSSESSIONS): *All judicial process shall run in the name of "United States of America, ss. the President of the United States", and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of "The People of Puerto Rico." All officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Puerto Rico.*

Second Definition

<http://www.uscis.gov/propub/ProPubVAP.jsp?dockey=cb90c19a50729fb47fb0686648558dbe>:

I.N.A. Act 101(a)15P (38): The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

Third Definition

TITLE 28, PART VI, CHAPTER 176 SUBCHAPTER A § 3002 – Definitions

(http://www4.law.cornell.edu/uscode/html/uscode28/usc_sec_28_00003002---000-.html):

(15) "United States" means—

(A) **a Federal corporation;**

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

Constitutional Laws in Effect

The Articles of Confederation and Perpetual Union of 1778 Art. XI made Canada part of the United States and entitled to all the advantages of the Union.

(<http://www.earlyamerica.com/earlyamerica/milestones/articles/8.html>):

1778 Articles of Confederation ARTICLE XI:

Canada acceding to this confederation, and adjoining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States. (Article VI Clause I of the U.S. Constitution)

Remedies under the Trading with the Enemy Act of 1917 / Title 50 U.S.C. Appendix

First Remedy

Under Title 50 U.S.C. (http://www.access.gpo.gov/uscode/title50a/50a_2_1_.html), Appendix Sections 7(c) and 7(e) defines liability and exemption under the 1917 Trading with the Enemy act. Movant states for the record that the Petitioner is not an enemy combatant nor liable for following Acts of the President such as Presidential Proclamation 7500 , page 1649 and 1650 of the Federal Register of November 2001.

web address: [http://frwebgate.access.gpo.gov/cgi-](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_presidential_documents&docid=pd19no01_txt-21.pdf)

[bin/getdoc.cgi?dbname=2001_presidential_documents&docid=pd19no01_txt-21.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_presidential_documents&docid=pd19no01_txt-21.pdf).

Second Remedy

Title 50 U.S.C. Appendix § 7. Lists of enemy or ally of enemy officers, directors or stockholders of corporations in United States; acts constituting trade with enemy prior to passage of Act; conveyance of property to custodian; voluntary payment to custodian by holder; acts under order, rule, or regulation

- (a) Every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States, issuing shares or certificates representing beneficial interests, shall, under such rules and regulations as the President may prescribe and, within sixty days after the passage of this Act [Oct. 6, 1917] and at such other

times thereafter as the President may require, transmit to the alien property custodian a full list, duly sworn to, of every officer, director, or stockholder known to be, or whom the representative of such corporation, association, company, or trustee has reasonable cause to believe to be an enemy or ally of enemy resident within the territory, or a subject or citizen residing outside of the United States, of any nation with which the United States is at war, or resident within the territory, or a subject or citizen residing outside of the United States, of any ally of any nation with which the United States is at war, together with the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest.

Third Remedy

Title 50 U.S.C. Appendix § 7(c) in part... The sole relief and remedy of any person having any claim to any money or other property heretofore or hereafter conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or required so to be, or seized by him shall be that provided by the terms of this Act [said sections], and in the event of sale or other disposition of such property by the Alien Property Custodian, shall be limited to and enforced against the net proceeds received therefrom and held by the Alien Property Custodian or by the Treasurer of the United States.

Fourth Remedy

Title 50 U.S.C. Appendix § 7(e): No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the President under the authority of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix].

Fifth Remedy

Title 50 U.S.C. , (http://www.access.gpo.gov/uscode/title50a/50a_2_1.html), Appendix Sections § 2.

Definitions: The word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix]--

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

The petitioner is not an Enemy combatant nor on a list of Enemy combatants, further, the petitioner stated on numerous occasions he is an American Indian Born in Canada (INA§ 289.1-3 and Title 8 U.S.C. § 1359) which was verified by DHS/ICE and The United States Secretary of State on June 30,2004 at the U.S. Customs office at the Edmonton International Airport. Under INA§ 289.1-3 and Title 8 U.S.C. § 1359 the Petitioner does not require INS Documentation to enter the United States as per INS' own regulations. The assumption is that petitioner is Canadian, petitioner was confirmed as a American Indian Born in Canada and confirmed by the United States Secretary of State in accord with the Articles of confederation and perpetual union, constitution for the united states of America, 1794 Jay Treaty with Great Britain, 1812 Treaty of Ghent, 1836 Treaty of Marrakesh(Morocco), the 1913 Statute of Westminster and Articles 55 and 56 of the Charter of the United Nations, which are supported by INS own regulations and federal court statues 45 Stat. 401, 54 Stat. 670 (see: In re Yellowquill(1978,BIA) 16 I & N Dec. 576; Akins v. Saxbe (1974, DCME) 380 F. Supp.1210). The DHS/INS form I-831N stating that petitioner entered the united states is an incorrect and false statement, being that I.C.E. Agent McCarthy stated to the Petitioner, " there was no record in your file of any entry documentation issued, they treated you as a U.S. Citizen."- Affidavit of I.C.E. Agent McCarthy's Knowledge that No Entry Documentation was issued, enclosed see Exhibit B).

Foundation and Grounds for Summary Judgment.

The assumption of the petitioner's status has been refuted by the petitioner. The petitioner's facts, affidavits and statements to the respondents has not been disproved, rebutted or refuted by the respondents. Since the inception of the alleged charge against HENRY, SEAN WESLEY (*Cestui que trust* A# 0976 86 704) for overstaying in the united states by not leaving on June 30, 2005 (INS FORM I-862, I-831), Movant has requested since December 15, 2006 from the DHS/INS to produce a copy of the following which are valid grounds for Summary Judgment:

Ground 1

No Certified Copy under Oath and Penalty of Perjury from Respondents of the B-1/B-2 business or visitor visa of the Petitioner on June 30,2004.

Ground 2

No Certified Copy under Oath and Penalty of Perjury from respondents stating that the Petitioner was arriving from Canada as a Visitor, declared himself as such and signed such U.S. Customs declaration and Entered the U.S. as a Citizen of Canada on June 30,2004.

Ground 3

No Certified Copy under Oath and Penalty of Perjury from respondents that the petitioner was given documentation from U.S. DHS/I.C.E. instructing and directing the petitioner he must leave the U.S. within 1 year of his B-1/B-2 Visitor Visa being issued on June 30,2004.

Ground 4

No Certified Copy under Oath and Penalty of Perjury from respondents that the petitioner had in his possession a Valid Passport from Canada and Visa issued and Granted by the United States Embassy in Canada on June 30,2004.

For the foregoing reasons, the Court is respectfully asked to enter summary judgment for the movant.

Dated: August 21, 2007.

Respectfully delivered,

By: Nanya-Shaabu:El U.C.C. 1-308
Nanya-Shaabu:El Without Prejudice
Movant, Sui Juris
In propria persona [Pro Se]
C/O: GD STN MAIN
EDMONTON, AB T5J 2G8.